

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Gyor AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: September 24, 2013

SUBJECT: BZA Case 18630 - **Supplemental Report:** request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct a rear deck addition to an existing single dwelling at 3703 Windom Place NW

I. OFFICE OF PLANNING RECOMMENDATION

The Applicant's expedited request for a special exception relief was considered by the Board at the public meeting held on September 17, 2013. The Office of Planning (OP) did not provide a recommendation because the Applicant had not provided a narrative describing the proposed relief. The Applicant has since provided a description of the relief; **OP recommends approval** of the following special exception relief pursuant to § 223:

- § 403.2 Lot Occupancy (40% maximum permitted, 33% existing, 43% proposed); and
- § 404.1 Rear Yard (20 ft. required, 23 ft. existing, 6 ft. proposed).

II. LOCATION AND SITE DESCRIPTION:

Address:	3703 Windom Place NW
Legal Description:	Square 1891, Lot 54
Ward:	3
Lot Characteristics:	The lot is rectangular and is 98.5 ft. deep and 33 ft. wide along the Windom Place NW frontage. A 16 ft. wide public alley is located to the rear.
Zoning:	R-2 – detached and semi detached single family dwellings.
Existing Development:	Semi-detached dwelling, permitted in this zone.
Historic District:	N/A
Adjacent Properties:	Predominantly semi-detached dwellings



Subject Property

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Uzay Turker
Proposal:	The Applicant proposes to construct a 328 sq. ft. rear deck addition to an existing conforming semi-detached structure in the R-2 zone that does not comply with the lot occupancy requirement of § 403.2 and rear yard requirement of § 404.1. The proposed rear deck would measure 25 ft. x 12 ft. and would be 8 ft. in height.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-2 Zone	Regulation	Existing	Proposed ¹	Relief:
Lot Width (ft.) § 401	30 ft. min.	33 ft.	33 ft.	None required
Lot Area (sq.ft.) § 401	3,000 sq.ft. min.	3,251 sq.ft.	3,251 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403	40 % max.	33%.	43%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	23 ft.	6 ft.	Relief required
Side Yard (ft.) § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required

V. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

Semi-detached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 403 (lot occupancy) and § 404 (rear yard).

223.2 *The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

The deck addition would not negatively impact the light and air available to neighboring properties. A public alley is located to the rear and would not be substantially impacted by the rear yard relief. The property to the east is partially screened by vegetation. The property

¹ Information provided by applicant.

to the west would not be substantially impacted because the height of the deck would be a maximum of eight feet.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The neighboring properties do not include structures immediately adjacent to the proposed deck and do not have windows which would have direct views of the proposed deck.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The deck would not be visible from Windom Place. It would not be out of character with the alley.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy is 43%, which is less than the maximum of 50% permitted in the R-2 District with a special exception.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP does not recommend any additional treatment for the protection of nearby properties.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The use would remain a conforming semi-detached single family dwelling.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from the ANC or the neighbors.